

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CIRCUITO CERRADO, INC.,

Plaintiff,

-against-

ORDER
10 CV 108 (DRH)(AKT)

PIZZERIA Y PUPUSERIA SANTA ROSITA, INC.,
d/b/a , SANTA ROSITA RESTAURANTE Y
PUPUSERIA, and NOE G. VALLE,

Defendants.

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HURLEY, Senior District Judge:

By Order dated July 15, 2010, the Court entered a default judgment against defendants and referred this matter to Magistrate Judge Tomlinson, pursuant to 28 U.S.C. § 636, for a Report and Recommendation as to the appropriate amount of damages, attorneys' fees and costs to be awarded to plaintiff. On February 14, 2011, Judge Tomlinson issued a Report and Recommendation recommending that individual liability should not be imposed against defendant Noe G. Valle, and that damages and costs be awarded in the amount of \$20,350. (Docket No. 13.) Plaintiff did not request attorney fees. (Aff. of Paul J. Hooten, docket no. 12, ¶ 34.)

On February 16, 2011, plaintiff filed proof of service of a copy of the Report and Recommendation upon the defendants. More than fourteen (14) days have elapsed since service of the Report and Recommendation, and neither party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the February 14, 2011 Report and Recommendation of Judge Tomlinson as if set forth herein. The Court therefore directs that judgment be entered as

follows: plaintiff recovers from defendant Pizzeria y Pupuseria Santa Rosita, Inc., d/b/a, Santa Rosita Restaurante y Pupuseria the amount of \$20,350.00. The Court further directs the Clerk of Court to vacate the entry of default judgment against defendant Noe G. Valle. Upon entry of judgment, the Clerk of Court shall close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
March 14, 2011

/s/

Denis R. Hurley
United States District Judge